

**REPORT - PLANNING COMMISSION MEETING
November 20, 2003**

Project Name and Number: WASHINGTON BOULEVARD Project (PLN2003-00282)

Applicant: Santa Clara Development Company

Proposal: To consider a General Plan Amendment to change the land use designation from Light Industrial and Low Density Residential, 4-6 units per acre to Low Density Residential, 5-7 units per acre.

Recommended Action: Recommend to City Council.

Location: 982-990 Washington Boulevard in the Mission San Jose Planning Area.

APN: 513-0604-001-05; 513-0604-005-04; 513-0604-006

Area: 3.96 acres

Owner: Santa Clara Development

Agent of Applicant: Nolan Zail, Santa Clara Development

Environmental Review: An Initial Study and Draft Mitigated Negative Declaration have been prepared and circulated for this project.

Existing General Plan: Light Industrial and Low Density Residential, 4-6 units per acre

Existing Zoning: I-L (H) (H-I) Light Industrial Historical Overlay Hillside Combining District and R-1-8 (H) (H-I) Single-Family Residence Historical Overlay Hillside Combining District

Existing Land Use: Vacant

Public Hearing Notice: Public hearing notification is applicable. 66 notices were mailed to owners and occupants of property within a minimum radius of 300 feet from the site on the following streets: Glenhill Drive, Paseo Padre Parkway, Poda Court, Washington Boulevard, Lerwick Street, and Regan Way. The notices to owners and occupants were mailed on November 7, 2003. A Public Hearing Notice was delivered to The Argus newspaper on November 3, 2003 to be published by November 6, 2003.

Executive Summary: The applicant is requesting approval of a General Plan Amendment to change the land use designation from Light Industrial and Low Density Residential, 4-6 units per acre to Low Density Residential, 5-7 units per acre for the development of 26 single-family residences, including four affordable units, on a 3.96 acre site.

Project Description: The applicant proposes a General Plan Amendment to change the land use designation of a total of 3.96 acres to Low Density Residential, 5-7 units per acre for one vacant residential lot and one larger industrial site. The applicant proposes construction of 26 single-family residences. Four of the units, or fifteen percent of the total, will be below market rate (BMR), as required by the City's inclusionary housing ordinance. The entitlement process will include future review by Planning Commission and City Council of a Planned District rezoning, Preliminary Grading Plan, and subdivision map. The Planned District is also subject to review by the Historical Architectural Review Board (HARB). The applicant has submitted a conceptual site plan for informational purposes only.

The project site is currently occupied by an industrial use, Industrial Electric Manufacturing, Inc. (IEM). IEM is in the process of moving to a different industrial location in Fremont. The applicant proposes to demolish the existing industrial

buildings. The project site is located southerly of the intersection of Washington Boulevard and Palm Avenue. The site is bounded to the north, west and south existing single-family homes and to the east by an existing church facility.

Project Analysis:

General Plan Conformance: The existing General Plan land use designation for the project site is Light Industrial and Low Density Residential, 4-6 units per acre. The proposed designation is Low Density Residential, 5-7 units per acre. The proposal of 26 dwelling units is a density of 6.5 dwelling units per acre. The proposed use and schematic site design is consistent with the proposed General Plan designation, because the project meets General Plan Land Use and Housing Goals and Policies as follows:

LAND USE (LU) GOAL 1: NEW HOUSING DEVELOPMENT WHILE CONSERVING THE CHARACTER OF THE CITY'S EXISTING SINGLE FAMILY RESIDENTIAL NEIGHBORHOODS.

The proposed project would meet this goal by developing single-family homes compatible with the surrounding neighborhood. The residential development would replace an industrial use that is no longer appropriate for the area. The proposed development would be subject to design review by HARB, Planning Commission and City Council.

HOUSING (H) GOAL 3: Housing affordable and appropriate for a variety of Fremont households at all economic levels throughout the City

The proposed residences will provide additional housing opportunities at market rate and will include four BMR units. The proposed project has the potential to enhance the existing neighborhood by providing well-designed housing to replace an incompatible industrial use.

Housing Element Implementation Program 10A: Commercial and Industrial Redesignation

The proposed General Plan Amendment specifically implements the goal of the Housing Element to convert industrial properties east of I-880 for residential use. This allows the construction of additional housing units where appropriate to meet the City's needs.

Zoning Regulations: The proposed conceptual site plan project will require a rezoning to a Planned District. The proposed project is subject to the Design Guidelines for Small-Lot Single-Family Residential Developments due to the proposed lot sizes of less than 6,000 square feet. The four proposed below market rate (BMR) units, lots 8, 9, 13, and 14, are less than 4,000 square feet in size. This is allowed to accommodate affordable housing if the units are attached (duet) units. Staff does have some concerns regarding the proposed site design as described below. Staff will work with the applicant to resolve the following issues during the design review process.

Conceptual Site Plan Analysis: The applicant has provided a "Conceptual Site Plan" as an informational exhibit supporting the proposed general plan amendment. Neither Planning Commission nor City Council approves the "Conceptual Site Plan," instead it is used to illustrate that the proposed land use change will support a project. As long as it meets the land use and density requirements, the site plan provided with the anticipated Planned District rezoning application may differ slightly or greatly from the informational plan presented with the general plan amendment.

Staff recommends approval of the proposed general plan amendment, but the "Conceptual Site Plan" includes some elements that may require revisions upon more detailed review of development plans during subsequent Planning applications. Staff has encouraged the applicant to consider using the Preliminary Review Procedure application process as a means for the applicant and staff to work together with concept plans prior to submittal of the Precise Planned District application, which requires precise site, architecture, and landscape plans.

The following elements are listed to inform the applicant and the Planning Commission of staff's concerns with the "Conceptual Site Plan."

Street Frontage: Lots 6 through 9 and 13 through 16 have small frontages on the proposed public street. Lot 14 has the smallest frontage of sixteen feet (16'). The average street frontage for these lots is estimated to be slightly less than twenty-seven feet (27'). For R-1 zoned subdivisions, the Subdivision Ordinance and Zoning Ordinance require minimum thirty-five feet of street frontage. Flag lots shall have minimum twenty feet of street frontage. The applicant is proposing non-conventional lots (small-lot single-family) which can be accommodated with a Planned District rezoning.

The Design Guidelines for Small-Lot Single-Family Residential Developments do not include prescriptive standards for street frontage. However, several of the guidelines relate to the importance of streetscape, driveways, and parking. Locating up to four driveways in two locations, at the ninety-degree curves in the street, could lead to a deficiency in the spaced needed for: on-street parking; areas for trash and recycling containers; and perhaps street landscaping.

Distribution of Small-Lots: Of the twenty-six proposed lots, more of the smaller lots are located along the eastern boundary of the project site. The average lot width along the eastern boundary is approximately 35% less than the lot width on the southern boundary. The reason for this disparity is primarily due to the fact that the four proposed below market rate (BMR) units, lots 8, 9, 13, and 14, are located on the eastern boundary. Without a precise site plan, which includes proposed building envelopes, it is difficult for staff to determine what effect, if any, concentrating the small lots on the eastern boundary has on the project. At the very least, the proposed location of the BMR units has an effect on street frontage, as discussed above. The BMR units may be better located on corner lots. The attached unit entries, and corresponding driveways, could then each face a different direction on the street.

Grading and Retaining Walls: The project site naturally slopes up from Washington Boulevard. Development of the site as an industrial building and development around the site included the creation of retaining walls and man-made slopes. This is particularly evident along the eastern boundary of the site where there is a concrete retaining wall and a slope between the wall and adjacent church property. The applicants informational exhibit shows retaining walls throughout the site. In hill area tract-home developments, it is typical for the developer to use retaining walls in order to create building pads for homes.

Project grading, particularly on a site such as this in the Hillside Combining District (H-I), can have an effect on the project site plan and architecture. The applicant's engineer has shown "3' (max)" retaining walls on the "Conceptual Site Plan." The site plan does not include detail about the proposed homes or lot grades to define the extent and need for the proposed walls.

Staff estimates that over 3,300 linear feet of retaining walls are shown on the "Conceptual Site Plan." Almost all the retaining walls are shown along the project boundary and proposed property lines. Along the eastern boundary, successive retaining walls are shown in the rear of lots 7 through 15. Considering the existing topography of the site, including the existing retaining walls and slopes between adjacent properties, the use of retaining walls, as shown, may be appropriate for a development of this type and density. However, the use of retaining walls on property lines, in conjunction with fences, will need to be evaluated with respect to overall fence height, side yard privacy and backyard privacy. A conceptual grading plan shall be required by and reviewed by staff during the Planned District rezoning phase of this project.

Landscaping: An arborist report was prepared for the site. Trees primarily line the perimeter of the site. The report recommends removal of all trees rated poor or very poor including 12 dead Monterey Pines. The report notes that the Olive and Coast Live Oaks are all rated good or fair for preservation. The schematic site design was redesigned several times to preserve the Olive trees at the entry of the site and still meet the traffic needs of the Palm Avenue and Washington Boulevard intersection. Trees to be removed during construction will be replaced subject to the review of the City Landscape Architect. A landscape plan will be part of the future Planned District application.

Urban Runoff Clean Water Program: The Federal Clean Water Act of 1972 and Water Quality Act (1987) require localities throughout the nation to obtain a National Pollutant Discharge Elimination System permit (NPDES) in order to discharge storm water into public waterways such as creeks, rivers, channels and bays. The applicant will comply with the City's Urban Runoff Clean Water Program in accordance with the NPDES requirements issued by the State's Water Quality Control Board.

Applicable Fees:

Development Impact Fees: This project will be subject to Citywide Development Impact Fees. These fees may include fees for fire protection, capital facilities and traffic impact. Residential projects will also be subject to park facilities and park dedication in-lieu fees. These fees shall be calculated at the fee rates in effect at the time of building permit issuance.

School Impact Fees: If the proposed General Plan amendment is recommended to the City Council and approved, any subsequent development project will be subject to school impact fees.

Waste Management: This project involves residential construction and shall be subject to the provisions of the California Integrated Waste Management Act of 1989 (AB939). The Act requires that 50% of the waste generated in the City of Fremont be diverted from landfill sites by the year 2000. Additionally, the project is subject to the City's Source Reduction and Recycling Element (1992), an Integrated Waste Management Ordinance (1995), and a Commercial/Industrial Recycling Plan (1997). These documents require that any new project for which a building permit application is submitted to include adequate, accessible, and convenient areas for collecting and loading trash and recyclable materials.

Environmental Analysis: An Initial Study and Draft Mitigated Negative Declaration, has been prepared for this project. The environmental analysis identified concerns regarding potential impacts to Hazards and Hazardous Material, Cultural Resources, Noise, and Air Quality. The closure of the current industrial business and building demolition requires a closure letter issued by the appropriate authority prior to any residential construction on the site. Testing of the soil for hazardous materials under the existing building is also required. The Draft Negative Declaration includes mitigation measures to meet General Plan standards, which, if implemented, would reduce the identified impacts to non-significant levels. These mitigation measures will be included as a Mitigation Monitoring Plan. A more detailed description of the potential impacts and mitigation measures are provided within the Initial Study for the project, which is included as an enclosure.

The initial study conducted for the project has evaluated the potential for this project to cause an adverse effect -- either individually or cumulatively -- on wildlife resources. There is no evidence the proposed project would have any potential for adverse effect on wildlife resources. Based on this finding, a Certificate of Fee Exemption will be submitted with the Notice of Determination after project approval by the City Council, as required by Public Resources Code section 21089 (see attachment to draft Negative Declaration). The Certificate of Fee Exemption allows the project to be exempted from the review fee and environmental review by the California Department of Fish and Game.

A finding is proposed that this project would not have a significant effect on the environment based upon the implementation of the identified mitigation measures. Accordingly, a Draft Mitigated Negative Declaration has been prepared for consideration by the Planning Commission.

Response from Agencies and Organizations: No outside response or comment had been received at the time of publication of this report.

Enclosures: Informational Conceptual Site Plan
Applicant's Justification Statement
Initial Study and Draft Mitigated Negative Declaration

Exhibits: Exhibit "A" General Plan Amendment

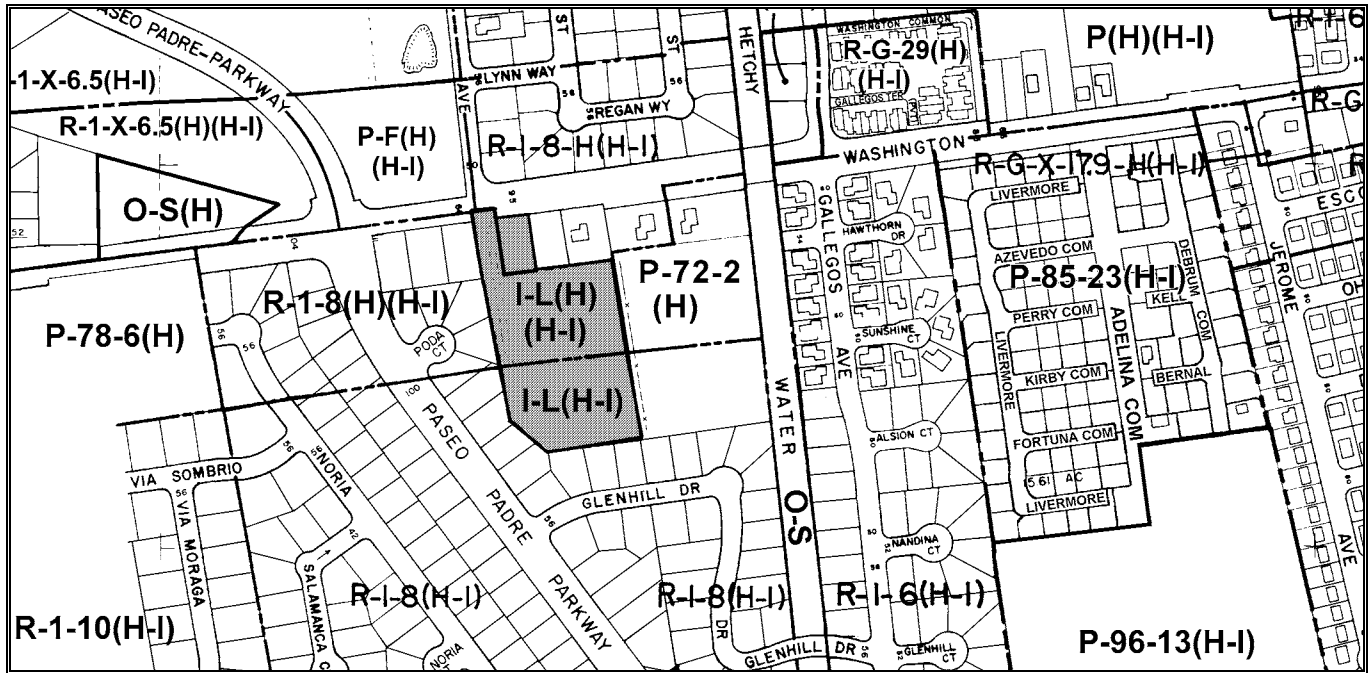
Recommended Actions:

1. Hold public hearing.

2. Recommend the City Council find the initial study has evaluated the potential for this project to cause an adverse effect -- either individually or cumulatively -- on wildlife resources. There is no evidence the proposed project would have any potential for adverse effect on wildlife resources.
3. Recommend the City Council approve draft Mitigated Negative Declaration with a Certificate of Fee Exemption and find it reflects the independent judgment of the City of Fremont.
4. Find PLN2003-00282 is in conformance with the relevant provisions contained in the City's existing General Plan. These provisions include the designations, goals and policies set forth in the General Plan's Land Use and Housing Chapters as enumerated within the staff report.
5. Recommend PLN2003-00282 to the City Council in conformance with Exhibit "A" (General Plan Amendment).

Existing Zoning

Shaded area represents the Project Site



Existing General Plan

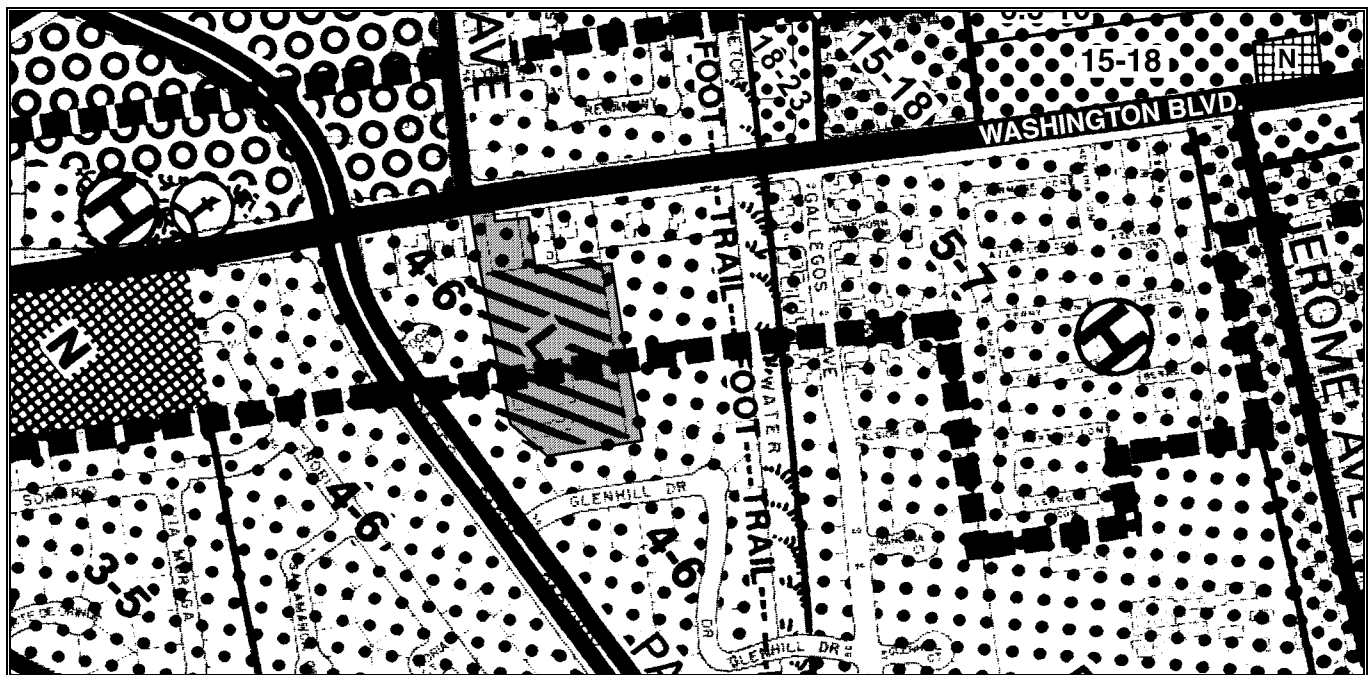


EXHIBIT "A"

Attached to and made a part of

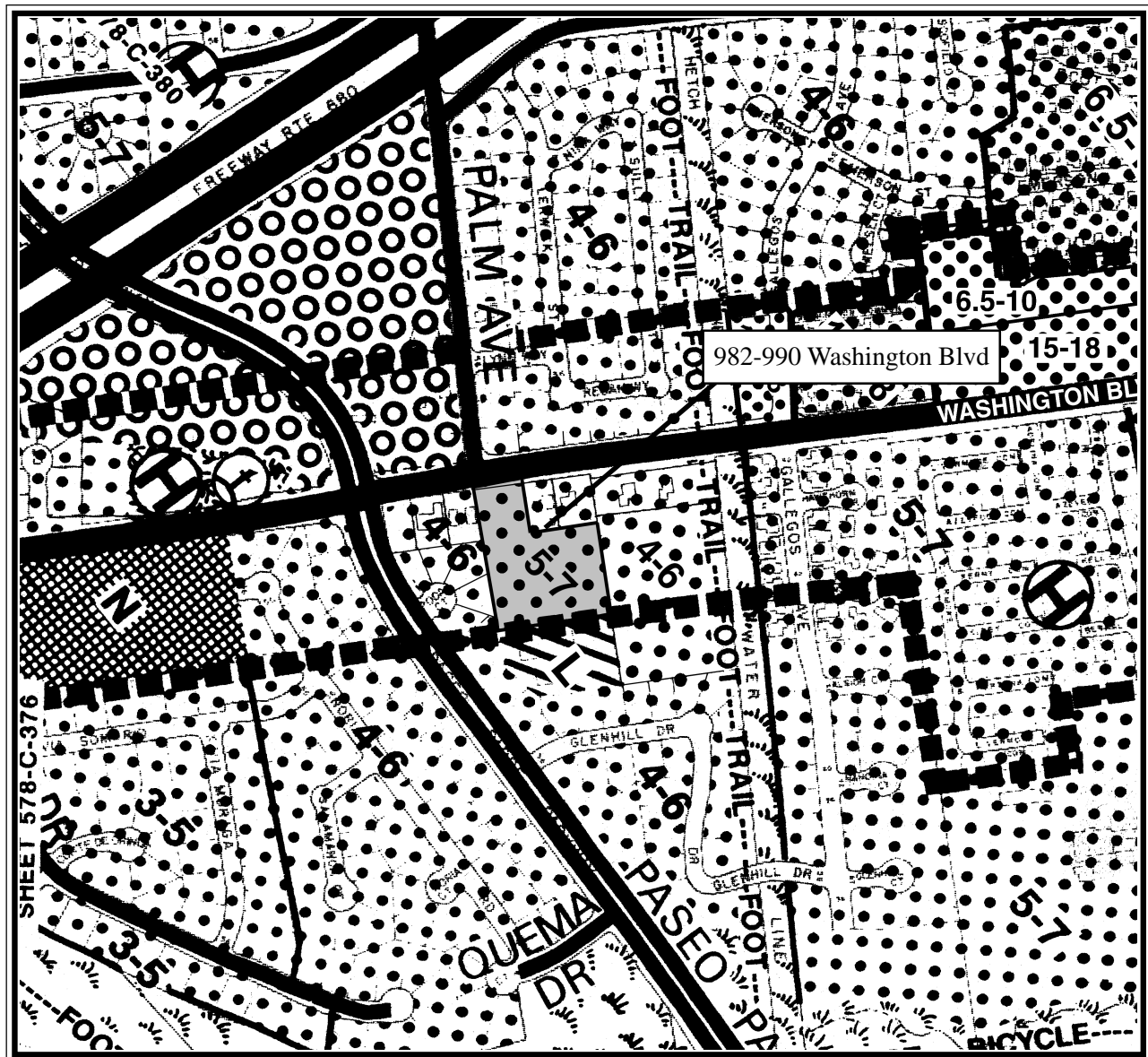
Resolution No. _____

adopted by the City Council of the City of Fremont, California

On the _____ **day of** _____, **20 03** .

GENERAL PLAN LAND USE DIAGRAM (SECTION)

AFFECTS LAND USE DIAGRAM(S) FOR THE MISSION SAN JOSE PLANNING AREA



From: Light Industrial and Residential, Low 4-6 du/ac, Historic Overlay

To: Residential, Low 5-7 du/ac, Historic Overlay

[pc on 11-20-03] 84-376

Project Name: Washington Blvd Project

Project Number: PLN2003-00282 (gpa)

BSM